

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TREVON NIKO TUCKER,

Plaintiff,

v.

OLYMPIC CORRECTIONS CENTER, et
al.

Defendants.

Case No. C23-6013-JHC-SKV

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

Plaintiff, proceeding pro se and *in forma pauperis* in this 42 U.S.C. § 1983 action, filed a Motion to Compel an FRCP 26 Conference and to Strike Defendant's Reply. Dkt. 14. Defendant¹ responded to the motion. Dkt. 15. The Court, having considered the motion and response, hereby finds and ORDERS as follows:

(1) The motion's title indicates it to be a request for the Court to compel a discovery conference under Federal Rule of Civil Procedure 26 and to strike a reply brief filed by Defendant. In the text of the motion, however, Plaintiff merely asks for "more time" to

¹ Corrections Officer Rebecca Staviak is the only named defendant in the Amended Complaint. Dkt. 7.

1 “understand more about [the] case and what is asked of me to provide [sic].” Dkt. 14. As
2 observed by Defendant in the response, it is unclear what relief Plaintiff seeks with this motion.

3 To the extent Plaintiff is requesting the Court to order a Rule 26(f) discovery conference,
4 the Court denies that request. According to Defendant, defense counsel’s office communicated
5 with Plaintiff’s correctional facility and the parties were scheduled to meet and confer
6 telephonically on March 20, 2024. Dkt. 15 at 1. It is therefore likely that a Rule 26(f) discovery
7 conference has already occurred by the date of this Order. To the extent Plaintiff is requesting an
8 extension of any discovery deadlines, the Court also denies that request at this juncture. Parties
9 are required to make a good faith effort to resolve discovery disputes between themselves before
10 seeking court intervention. *See* Fed. R. Civ. P. 37(a)(1). As a pro se litigant, Plaintiff remains
11 bound by the rules of procedure. *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (per curiam)
12 (citing *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987)).

13 In addition, no reply has been filed in this matter. To the extent Plaintiff’s request to
14 strike was in reference to the affirmative defenses Defendant raised in the Answer to the
15 Amended Complaint, Dkt. 12, that request is also denied. Rule 12(f) ““motions to strike are
16 generally not granted unless it is clear that the matter sought to be stricken could have no
17 possible bearing on the subject matter of the litigation.”” *Gaines v. AT&T Mobility Servs., LLC*,
18 424 F. Supp. 3d 1004, 1014 (S.D. Cal. 2019) (quoting *Griffin v. Gomez*, 2010 WL 4704448 at *4
19 (N.D. Cal. Nov. 12, 2010)); *see also MacLay v. M/V SAHARA*, 926 F. Supp. 2d 1209, 1217
20 (W.D. Wash. 2013) (“Motions to strike affirmative defenses are generally disfavored.”).

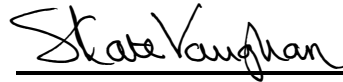
21 Plaintiff has not made that showing here.

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1 (2) The Clerk is directed to send copies of this Order to the parties and to the Honorable
2 John H. Chun. The Clerk is further directed to send to Plaintiff a copy of the Court's Prisoner
3 Litigation Manual and Pro Se Guide to Filing Your Lawsuit in Federal Court.

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5 Dated this 5th day of April, 2024.

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7 S. KATE VAUGHAN
8 United States Magistrate Judge
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